

**TOWN OF HAMILTON  
BOARD OF SELECTMEN  
MARCH 9, 2015**

The Board of Selectmen met at Hamilton Town Hall at 7:00 p.m. on Monday, March 9, 2015 with Scott Maddern, Marc Johnson, Jennifer Scuteri (participating remotely), Jeff Hubbard (arriving at 7:48 p.m.) present. Town Manager Michael Lombardo, DPW Director Bill Redford, and Planning Board member Peter Clark also present.

**Call to order**

Scott Maddern called the meeting to order at 7:00 p.m.

**Public Comment**

None.

**Chairman/Selectmen reports**

Marc Johnson mentioned that Planning Board continued hearing on Patton property Special Permit is moving forward with peer review engineers for stormwater, septic, and landscaping being selected. Jennifer Scuteri acknowledged success of HWRHS basketball team, and encouraged public to get informed and participate in upcoming Town Meeting. Maddern concurred about success of HWRHS basketball team, he responded to citizen request about recall capability for elected officials that was researched and would require a Special Act to do as well as large number of townspeople to consider, he attended an ECO regional meeting with Town Manager Michael Lombardo hosted along with State Representative Brad Hill, other municipal officials as well as public safety personnel from Hamilton, Ipswich, Manchester, (and Wenham is considering re-engaging with the Town) relative to regionalizing this service with a follow-up meeting in June.

**Town Manager's report**

Town Manager Michael Lombardo also spoke to productive ECO meeting, and regional public health meeting with Essex County and MAPC officials and noted difficulty in delivering public health nursing services in Town with a public health nurse working seven hours a week, that there are three finalists for town administrator in Wenham, an appeal to ZBA decision was received on Carriage House Junction relative to finishing

the project, two finalists have been identified for Finance Director's position and an offer is possible as early as next week. DPW Director Bill Redford described how heavy equipment operators have pushed back snowbanks on streets and to open up catch basins. The department is gearing up to deal with pothole season.

## **CONSENT AGENDA**

- Request from Bill Redford, DPW Director to increase the snow removal budget, as allowed under M.G.L. Chapter 44, Section 31B. (Expected request \$75,000).
- Reappoint Walter Leszczynski as a **Registrar** to a 3 year term, expiring April 1, 2018.
- **Hamilton Wenham Little League** requests permission to use Town streets for its Opening Day Parade on Saturday, May 2, 2015 at 9:00 a.m.
- Organizers of the 20<sup>th</sup> Annual **Melody Miles Road Race** seek permission to use Town roads for its 5K race on Saturday, May 23, 2015 at 10 a.m. Race begins and ends at the Winthrop School.
- Common Victualler's License for **Cumberland Farms**, 121 Bay Road. License to be released upon receipt of Board of Health food permit.
- **Approve Minutes:** February 17, 2015 – Regular Session and February 23, 2015 – Regular Session.

Maddern entertained a motion to approve the Consent Agenda. Johnson so moved. Scuteri seconded the motion. The expected request for \$75,000 is in addition to the \$100,000. Scuteri summarized how AG's office had said minutes should reflect Board discussions and action taken not a transcript when additional comments are made relative to discussion when a person is called out of order and that the recent Board minutes could be approved as circulated with additional comments. Maddern explained that Mr. Hubbard was not yet in attendance and at several meetings in a row he has been called out of order and continues to speak and this is related to what should be recorded or not and he should stop but the Board has decided to allow the comments. VOTE: Unanimous.

## **AGENDA**

- Vote Debt Exclusion Ballot Question for Fire Truck recommended by the Finance & Advisory Committee and reviewed by Bond Counsel and Town Counsel. Sign letter transmitting question to Town Clerk.

Johnson moved to accept the Debt Exclusion Ballot Question. Scuteri seconded the motion. VOTE: Unanimous.

- Review and amend Warrant articles, as necessary. Vote to close Warrant for Annual Town Meeting on April 11, 2015. Sign Warrant, if appropriate.

The FinCom has recommended favorable action on all financial actions and all but four other articles where the Committee will make a recommendation at spring Town Meeting. Maddern provided a summary of warrant that contains financial actions, planning/zoning actions, Town by-law amendments, other appropriations and actions as well as closing financial actions.

#### Financial Actions

*Article 2-1:* Appropriation Transfer from FY'12 Overlay Reserve to FY'10, Allowance for Abatements & Exemptions. The amount is \$20,000 and this is a routine transfer of reserve from Assessors. Johnson moved that the Selectmen recommend favorable action on Article 2-1. Scuteri seconded the motion. VOTE: Unanimous.

*Article 2-2:* Compensation/Classification Table. This is reflective of all contract negotiations and COLAs that have been approved. Johnson moved that the Selectmen recommend favorable action on Article 2-2. Scuteri seconded the motion. VOTE: Unanimous.

*Article 2-3:* General Town Departmental Appropriations. Discussion was on \$27,209,591 including approved HWRSD budget, \$50,000 for consultant support for rewriting zoning by-laws, \$168,000 for truck in capital plan was moved to the Water Enterprise budget, no action on OPEB beyond \$25,000/year, Essex Tech budget is up 30%, drop in HWRSD enrollment and increase of \$75,000 in snow removal budget based on five-year rolling average, organic recycling tipping charge increase from \$30 to \$45/ton (recycling falls off some in winter months and re-education may be needed, consideration of fee – tie blue bag to large items in trash stream), shared animal control cost with Manchester or possibly a third jurisdiction, and health insurance increase of 10.79%. Scuteri moved that the Selectmen recommend favorable action on Article 2-3. Johnson seconded the motion. VOTE: Unanimous.

*Article 2-4:* General Town Capital Appropriations. Discussion was on \$396,060 for five-year capital plan and includes some of the cost for record retention program as a precursor to Town Hall improvements as well as \$50,000 for two mowers to support joint mowing of HWRSD fields. Johnson moved that the Selectmen recommend favorable action on Article 2-4. Scuteri seconded the motion. VOTE: Unanimous.

**Article 2-5:** Water Enterprise Budget. The amount is \$1,631,948 for operating revenues, expenditures, and capital. A presentation will be given at ATM relative to new water rate structure and slides from public hearing are on the Town's website. Another presentation will be done before ATM. Johnson moved that the Selectmen recommend favorable action on Article 2-5. Scuteri seconded the motion. VOTE: Unanimous.

**Article 2-6:** Waste Reduction Enterprise Budget. Discussion was on \$287,055 and how \$15,000 increase would come from General Fund, the conversation on charging for disposal of large items was reiterated. Johnson moved that the Selectmen recommend favorable action on Article 2-6. Scuteri seconded the motion. VOTE: 3-0-1 with Hubbard who just joined the meeting abstaining.

**Article 2-7:** Annual Financial Actions. Annual housekeeping items: cemetery lots and graves, Clark Fund (ConCom uses it for community outreach), transfers to Water Enterprise and Waste Enterprise. Johnson moved that the Selectmen recommend favorable action on Article 2-7. Scuteri seconded the motion. Johnson observed that there is a consistent amount in Waste Enterprise in the last two years. VOTE: Unanimous.

**Article 2-8:** Community Preservation Budget. Maddern outlined list of open space, recreation, community housing, and historic/preservation projects as well as coordinator expense. Discussion addressed how the CPC had agreed to match dollar to dollar for Community House monies raised in 18 months for project up to \$33,000 as well as the total CPC reserves of \$2,251,825 and \$53,000 can be used for recreation. Also, that the CPC is recommending pool project costs be paid for with cash versus debt. This article addresses the annual payment for Donovan land acquisition. Johnson moved that the Selectmen recommend favorable action on Article 2-8. Scuteri seconded the motion. VOTE: 3-1-0 with Hubbard opposed.

**Article 2-9:** Annual Authorization of Revolving Funds. These revolving funds include COA, Parks and Recreation, and BOH emergency dispensing services. Discussion addressed spending limits that vary modestly from year to year (i.e., 1% of tax levy for Recreation Revolving Fund). Johnson moved that the Selectmen recommend favorable action on Article 2-9. Hubbard seconded the motion. Scuteri was provided Appendix H for her review and then the Board voted. VOTE: Unanimous.

**Article 2-10:** Hamilton Development Corporation. This is for \$65,000 of Meals Tax revenue to be allocated to HDC. Scuteri moved that the Selectmen recommend favorable action on Article 2-10. Johnson seconded the motion. Hubbard opined that he was not comfortable with this because the HDC is losing money, there is no plan to

change that prospect, that four years of Meals Tax revenue has been directed to HDC that is losing from \$10,000 to \$12,000 a year to stay afloat, and retailers are not happy with work of HDC. Scuteri referred to her conversation with merchants stating that not all are unhappy with HDC. She commended HDC for purchasing former McRae property and plans are being discussed for housing on the site and suggested the Corporation be given time with the property which should prove cost effective when sold and money would be recovered. Johnson concurred about HDC's decision to purchase McRae property as well as the concern about HDC losing money and the Corporation needs resources to implement plan needed for property when short term loan has to be refinanced. Maddern mentioned that the Meals Tax revenue is collected from restaurant patrons that is redirected to HDC, the HDC needs Meals Tax revenue commitment from Town, and bigger issue is financial aspects of funding McRae property, and in the future the HDC needs to be self-funding. He added that the HDC has to be supported as it develops design guidelines and brings changes to zoning by-law forward for mixed use and multi-family for fall Town Meeting. VOTE: Unanimous.

**Article 2-11:** OPEB Trust Fund. Johnson moved that the Selectmen recommend favorable action on Article 2-11. Scuteri seconded the motion. Discussion was on unfunded liability being \$1.4 million for the Town and \$4 million for HWRSD. VOTE: Unanimous.

**Article 2-12:** Reconstruction of Patton Park Pool. This article addresses borrowing for the design and construction of Patton Park pool if CPC warrant article for pool does not pass with a simple majority then Town Meeting will have the option to fund the pool project with debt. This would require a 2/3rds vote. For this project the Town has developed a proposal for a smaller, less expensive pool and worked cooperatively with Wenham. Johnson moved that the Selectmen recommend favorable action on Article 2-12. Discussion was on continuing the explanation on this matter to the press and public before ATM. Scuteri seconded the motion. VOTE: 3-1 with Hubbard opposed.

**Article 2-13:** Stabilization Fund for Patton Proceeds. When the Town closes on Patton land sale for proposed housing project of \$1.15 million, \$156,000 goes to Affordable Housing Trust, 25% of net proceeds from sale go to Patton Homestead endowment, and some of remainder of \$750,000 could go towards lost taxes for the property, closing costs, and recreational fields (i.e., \$500,000). A 2/3rds vote is required to put money into such a fund and take money out. Discussion was about if there is \$150,000 left from \$750,000 after \$500,000 goes to recreation fields would it be used for tax relief or to start Patton non-profit. Hubbard opined that the cost of capital improvements at the Patton Homestead is unknown, this should be answered to get it ready for public use (i.e., \$250,000 would not pay for that), and maintenance costs should be defined. He added

that the intent of selling the land for housing development was for property taxes, and it should not be funding the building this could be done with CPA and private funding. Hubbard opined that the money from the property sale should not be used for a recreational facility.

Discussion ensued about how the intent in the gift agreement was to develop a way to ensure the cost of maintaining the Patton property was not a burden to the Town and to enable residents to use the asset. Hubbard stated that his impression of the project was that it was a revenue generating source with \$1 million to the Town and \$150,000 in annual property tax income with no children in the school system, the project would go beyond subsidizing itself as an endowment but was a way to relieve high property tax. Johnson stated that in April 2012 when the Town accepted the gift the housing was not at the forefront, it was an option, also when there was reluctance by the community to invest capital in the property the housing was an alternative to create the endowment. Hubbard opined that the housing was a revenue generating source. Johnson mentioned how there is a need identified to spend non-tax revenue (i.e., \$500,000) on a turf field.

He agreed with Hubbard that General Fund expenses should not be used for the Patton Homestead. Johnson described how the non-profit needs to be put in place before we understand the future capital and maintenance costs, and suggested that any money besides the \$500,000 to a Recreation Stabilization Fund should not go to the Town's General Fund. He added that the Town has paid \$110,000 in carrying and closing costs since it received the gift which will be paid back when the 12 houses are in place. Johnson noted the importance of not setting a precedent since future properties offered to the Town might not be able to rise above being a burden. He suggested that over time the non-profit would cover more of the maintenance costs of the house. In addition, the Patton Advisory Committee never considered applying more than the \$250,000 to the Homestead at the very least keep it in the Stabilization Fund do not apply it to the tax rate. Johnson stated that the housing project has high likelihood of closing before the end of the fiscal year so the timing is such that it would be beneficial to decide what to do with the money now.

Scuteri concurred with Johnson and stated that if the Special Permit is granted and housing is built there will be three times more property tax from the property than there was coming in to Hamilton prior to the gift receipt. A windfall of \$148,000 a year and \$1 million in sales proceeds with 25% going to Homestead. She noted that there is a strong possibility for a match for a cultural grant for the non-profit. Scuteri is supportive of \$500,000 for a recreation field, and once housing is in place the money would be recovered by the Town quickly. Johnson reiterated that he is only in favor of \$500,000 not \$750,000 for recreation field. Maddern stated that the costs of the

Homestead need to be known, \$500,000 should be designated for recreation field but after a long term view and that the non-profit has to get up and going to assess capital need. He suggested a modification to the warrant article (acknowledging that this would have to go back to the FinCom) that strikes the property tax relief element and \$500,000 directed toward recreation field. Maddern entertained a motion to modify the warrant article to see if the Town will establish a Stabilization Fund for recreational fields and transfer some money from the General Stabilization Fund to the new Special Purpose Stabilization Fund or take any action thereon or relative thereto with an expected request of \$500,000. Johnson moved the modified motion. Scuteri seconded the motion.

Carin Kale, who will likely to be on Board of Incorporators for Friends of Patton Homestead non-profit, stated that she did not see capital plan as role of non-profit since the Patton Homestead is a Town asset. That Hamilton has to take responsibility for the building and cash has to come from the Town to get the property to the point where minor activities can occur. Since the non-profit will take time to get up and running, there is clarity required about capital need and FPH will not develop the capital budget. The Town will have to give the non-profit a target for fundraising. Johnson mentioned that the non-profit would be involved in identifying the uses. Kale suggested that basic maintenance/improvements already identified should occur long before the non-profit is in place. Maddern noted that the Town will help the non-profit get going and identify what improvements are needed to understand costs and determine how to use proceeds from property sale.

Discussion ensued with Hubbard who stated that the property is costing the Town money and has been a financial burden and it has cost the Town \$35,000 a year and is losing \$27,000 a year in property tax income. Maddern mentioned that Town Counsel has said the property is not a burden. Hubbard reiterated his concern about the unknown maintenance and capital improvement cost of the property. He opined that there has been no public discussion about the proceeds being dedicated to recreational fields other than in subcommittees (i.e., Recreation Board, CPC, and Patton Advisory Committee) and a year ago at Town Meeting. Maddern said there have been interactions with BOS and Recreation Board about discussion to allocate funds from Patton land sales proceeds to recreation fields. VOTE on amended motion: 3-1 with Hubbard opposed.

**Article 2-14:** Rewrite of Zoning By-law. Article is for \$50,000 for professional services to rewrite zoning by-law. Scuteri moved for the Selectmen to recommend favorable action on Article 2-14. Johnson seconded the motion. Lombardo explained that all of the by-laws have to work together, some are unclear, hard to follow and difficult for

development community to understand and to bring a plan forward with any certainty. Planning Board has to decipher if one section of by-law takes precedent over another. The community needs to understand what it is trying to accomplish with its development and rewrite the by-law to help reach that goal efficiently. Discussion was on how GPOD is part of zoning by-law and it would be looked at as part of the package. Hubbard opined that GPOD is clearly where the community needs clarity (i.e., condominiums) for volunteers to make decisions. Lombardo stated that he did not necessarily agree with Hubbard's one vision on GPOD and revision is an appropriate action. Johnson said that GPOD is part of by-law and that Planning Board and Director of Planning and Inspections would be involved in the by-law rewrite process. Lombardo noted that this policy making process would be done with community involvement and funds are earmarked for a charrette type event. Scuteri and Maddern expressed support for hiring a consultant to get the rewrite of the zoning by-law done. Maddern entertained a motion for Selectmen to recommend favorable action on Article 2-14. Johnson so moved. Scuteri seconded the motion. VOTE: Unanimous.

**Article 2-15:** Water Distribution System Replacement Program. Phase II of water distribution replacement program (\$5 million) with Phase I wrapping up in the fall. Maddern entertained a motion for recommending favorable action on Article 2-15. Johnson so moved. Scuteri seconded the motion. Lombardo noted that a few years ago at Town Meeting officials explained that a large percentage of water distribution system was 60 to 70 years old and Town was pouring as much as 10 million gallons of water a year into the ground due to open bleeder valves to keep chemicals from building up in vinyl-lined asbestos pipe. The initial \$5 million has assisted with replacement of 30% of pipe in distribution system. The additional funding will keep the program moving forward for the Town to have clean potable water and have fewer water main breaks. The funding for the debt is built into the Water Enterprise budget and upcoming water rate change. The funding from the first \$5 million will be spent this spring. VOTE: 3-1 with Hubbard opposed.

#### Planning/Zoning Actions

The FinCom voted to recommend favorable action on Articles 3-1, 3-2, 3-5 and will make its recommendation on Articles 3-3 and 3-4 at Town Meeting. The Selectmen conducted a consent vote on Articles 3-1, 3-2, and 3-5. Johnson moved that the Selectmen recommend favorable action on Planning/Zoning Actions: Articles 3-1: Amendment to Senior Housing By-law, 3-2: Amendment to GPOD Map, and 3-5: Amendment to Communication Towers (CT) and Telecommunication Antenna Facilities (TAF). Scuteri seconded the motion. VOTE: 3-0-1 with Hubbard abstaining since he did not have appendices information before this meeting. The Board will make



recommendations on the two site plan review articles (3-3: Site Plan Review to Planning Board, and 3-4: Citizens' Petition Site Plan Review to Planning Board) at ATM.

#### Town By-Law Amendments

The FinCom voted to recommend favorable action on Articles 4-1, 4-4, 4-5, 4-6, 4-7, and will make its recommendation on Articles 4-2 and 4-3 at Town Meeting. The Selectmen also used a consent vote for Articles 4-1: Incorporate the Personnel By-law in the Town General By-law, 4-3: Water Runoff to Roadway Prohibited, 4-4: Term for Planning Board Members, 4-5: Certification of Town Clerk, 4-6: Certification of Treasurer/Collector, 4-7: Certification of Assessor. Maddern entertained a motion for the Selectmen to recommend favorable action on Articles 4-1, 4-3, 4-4, 4-5, 4-6, 4-7. Johnson so moved. Scuteri seconded the motion. VOTE: Unanimous.

#### Other Appropriations and Actions

The FinCom voted to recommend favorable action on Article 5-1: Gift of Sidewalk Easement. Cumberland Farms will construct a sidewalk partly on its property and Town property so they will be granting Hamilton an easement. Duke Seaver, Essex Street, observed that the new Cumberland Farms sign on right on Walnut Road blocks view down Bay Road. Maddern entertained a motion to recommend favorable action on Article 5-1. Hubbard so moved. Johnson seconded the motion. VOTE: Unanimous.

#### Closing Financial Actions

The FinCom voted to recommend favorable action on Article 6-1: Free Cash Application. The expected request is \$650,000. Maddern entertained a motion to recommend favorable action on Article 6-1. Scuteri so moved. Johnson seconded the motion. VOTE: Unanimous.

Maddern entertained a motion to close the spring Town Meeting warrant. Hubbard so moved. Johnson seconded the motion. VOTE: Unanimous.

- **Set date of next Selectmen meeting**

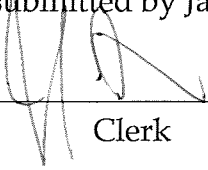
The next Selectmen's meeting will be held on March 30.

**NEW BUSINESS**

**Consideration of topics for discussion at future Selectmen's meetings**

Information on water rate changes and HDC will be discussed on March 30. Hubbard moved to adjourn at 9:54 p.m. Johnson seconded motion. VOTE: Unanimous.

Respectfully submitted by Jane Dooley, Minutes Secretary

ATTEST:  \_\_\_\_\_  
Clerk